

Senate Amendment 5268

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1 1 Amend Senate File 2248 as follows:
1 2 #1. Page 1, line 24, by inserting before the word
1 3 the following: <mental retardation,>.
1 4 #2. Page 2, line 1, by inserting before the word
1 5 the following: <mental retardation,>.
1 6 #3. Page 2, line 10, by inserting before the word
1 7 the following: <mental retardation,>.
1 8 #4. Page 2, line 15, by inserting before the word
1 9 the following: <mental retardation,>.
1 10 #5. Page 2, line 19, by inserting before the word
1 11 the following: <mental retardation,>.
1 12 #6. Page 3, line 25, by inserting before the word
1 13 the following: <mental retardation,>.
1 14 #7. Page 4, line 18, by inserting before the word
1 15 the following: <mental retardation,>.
1 16 #8. Page 4, line 28, by inserting before the word
1 17 the following: <mental retardation,>.
1 18 #9. Page 4, line 35, by inserting before the word
1 19 the following: <mental retardation,>.
1 20 #10. Page 5, line 14, by inserting before the word
1 21 the following: <mental retardation,>.
1 22 #11. Page 6, line 1, by inserting before the word
1 23 the following: <mental retardation,>.
1 24 #12. Page 6, line 17, by inserting before the word
1 25 the following: <mental retardation,>.
1 26 #13. Page 7, line 2, by inserting before the word
1 27 the following: <mental retardation,>.
1 28 #14. Page 7, line 13, by inserting before the word
1 29 the following: <mental retardation,>.
1 30 #15. Page 7, line 20, by inserting before the word
1 31 the following: <mental retardation,>.
1 32 #16. Page 8, line 2, by inserting before the word
1 33 the following: <mental retardation,>.
1 34 #17. Page 8, line 14, by inserting before the word
1 35 the following: <mental retardation,>.
1 36 #18. Page 8, line 24, by inserting before the word
1 37 the following: <mental retardation,>.
1 38 #19. Page 9, line 11, by inserting before the word
1 39 the following: .
1 40 #20. Page 9, line 18, by striking the words
1 41 <mental retardation, and> and inserting the following:
1 42 , and or other>.
1 43 #21. Page 15, line 3, by inserting before the word
1 44 the following: <mental retardation,>.
1 45 #22. Page 15, line 12, by inserting before the
1 46 word the following: <mental
1 47 retardation,>.
1 48 #23. Page 16, line 12, by inserting before the
1 49 word the following: 1 50 retardation,>.
2 1 #24. Page 16, line 17, by inserting after the word
2 2 the following: .
2 3 #25. By striking page 16, line 20, through page
2 4 18, line 34, and inserting the following:
2 5 2 6 LEGAL SETTLEMENT DISPUTE RESOLUTION
2 7 Sec. 34. NEW SECTION. 225C.6A MENTAL HEALTH,
2 8 DEVELOPMENTAL DISABILITY, AND BRAIN INJURY SERVICE
2 9 SYSTEM REDESIGN IMPLEMENTATION.
2 10 1. PURPOSE. It is the intent of the general
2 11 assembly to implement a redesign of the mental health,
2 12 developmental disability, and brain injury service
2 13 system over a period of years in order to transition
2 14 to a coordinated system for Iowans with mental
2 15 illness, mental retardation or other developmental
2 16 disabilities, or brain injury. Because of the
2 17 significance of the redesign to the persons who may be
2 18 affected by it and the degree of uncertainty regarding
2 19 the extent of funding changes necessary for
2 20 implementation, the department and the commission
2 21 shall not implement a redesign provision through
2 22 rulemaking or other means unless specific statutory
2 23 authority provides for the provision's implementation.
2 24 2. INITIAL ACTIVITIES. For the fiscal years
2 25 beginning July 1, 2004, and July 1, 2005, the
2 26 commission shall do the following:

2 27 a. Identify sources of revenue to support
2 28 statewide delivery of core disability services to
2 29 eligible disability populations.
2 30 b. Further develop adult disability services
2 31 system redesign proposals and propose a redesign of
2 32 the children's disability service system. The
2 33 redesign of the children's system shall address issues
2 34 associated with an individual's transition between the
2 35 two systems.
2 36 c. Plan, collect, and analyze data as necessary to
2 37 issue cost estimates for serving additional
2 38 populations and providing core disability services
2 39 statewide.
2 40 d. With consumer input, identify and propose
2 41 standardized functional assessment tools and processes
2 42 for use in the eligibility determination process when
2 43 eligibility for a particular disability population
2 44 group is implemented. The tools and processes shall
2 45 be integrated with those utilized for the medical
2 46 assistance program under chapter 249A. For the
2 47 initial diagnostic criteria, the commission shall
2 48 consider identifying a qualifying functional
2 49 assessment score and any of the following diagnoses:
2 50 mental illness, chronic mental illness, mental
3 1 retardation, developmental disability, or brain
3 2 injury.
3 3 e. The commission shall adopt a multiyear plan for
3 4 developing and providing the data, cost projections,
3 5 revenue requirements, and other information needed to
3 6 support decision making concerning redesign
3 7 provisions. The information shall be provided as part
3 8 of the commission's regular reports to the governor
3 9 and general assembly or more often as determined to be
3 10 appropriate by the commission.
3 11 f. Propose case rates for disability services.
3 12 g. Work with county representatives and other
3 13 qualified persons to develop an implementation plan
3 14 for replacing the county of legal settlement approach
3 15 to determining service system funding responsibilities
3 16 with an approach based upon residency. The plan shall
3 17 address a statewide standard for proof of residency,
3 18 outline a plan for establishing a data system for
3 19 identifying residency of eligible individuals, address
3 20 residency issues for individuals who began residing in
3 21 a county due to a court order or criminal sentence or
3 22 to obtain services in that county, recommend an
3 23 approach for contesting a residency determination, and
3 24 address other implementation issues.
3 25 Sec. 35. OTHER REDESIGN ACTIVITIES.
3 26 1. The department of human services and the mental
3 27 health, developmental disabilities, and brain injury
3 28 commission shall report on the actions taken and
3 29 proposals made to implement the provisions of section
3 30 225C.6A, as enacted by this Act, in the commission's
3 31 annual report to the governor and general assembly
3 32 submitted pursuant to section 225C.6 for consideration
3 33 by the general assemblies meeting in 2005, 2006, and
3 34 2007. In addition, the department and commission
3 35 shall submit a progress report to the governor and
3 36 general assembly in July 2004, July 2005, and July
3 37 2006, on the implementation of the provisions. Any
3 38 proposal shall include data needed to address the
3 39 proposal, including the potential impact on counties
3 40 bordering other states.
3 41 2. Subject to funding availability, the department
3 42 and commission shall address all of the following
3 43 state-level adult disability service system redesign
3 44 activities during the fiscal year beginning July 1,
3 45 2004, and ending June 30, 2005:
3 46 a. Propose a new disability services information
3 47 technology system.
3 48 b. Improve state administration of disability
3 49 services by consolidating disability services into a
3 50 new departmental division or other appropriate
4 1 strategy.
4 2 c. Improve the interfaces between departmental
4 3 administrative units and other state agencies directly
4 4 or indirectly involved with persons with mental
4 5 illness, developmental disabilities, or brain injury.
4 6 d. Solicit and incorporate input regarding the
4 7 service system and service system funding from persons

4 8 receiving services, service providers, and county
4 9 central point of coordination process administrators.
4 10 e. Provide information to the public regarding the
4 11 service system.

4 12 DIVISION III

4 13 LEGAL SETTLEMENT DISPUTE RESOLUTION

4 14 Sec. 36. NEW SECTION. 225C.8 LEGAL SETTLEMENT
4 15 DISPUTE RESOLUTION.

4 16 1. a. The dispute resolution process implemented
4 17 in accordance with this section applies to legal
4 18 settlement disputes and is not applicable to disputes
4 19 involving persons committed to a state facility
4 20 pursuant to chapter 812 or rule of criminal procedure
4 21 2.22, Iowa court rules, or to disputes of service
4 22 authorization decisions made through the county single
4 23 entry point process.

4 24 b. If a county receives a billing for services
4 25 provided to a person under chapter 222, 230, or 249A,
4 26 or objects to a legal settlement determination
4 27 certified by the department or another county and
4 28 asserts either that the person has legal settlement in
4 29 another county or that the person has no legal
4 30 settlement or the legal settlement is unknown so that
4 31 the person is deemed to be a state case, the person's
4 32 legal settlement status shall be determined as
4 33 provided in this section. The county shall notify the
4 34 department of the county's assertion within one
4 35 hundred twenty days of receiving the billing. If the
4 36 county asserts that the person has legal settlement in
4 37 another county, that county shall be notified at the
4 38 same time as the department. If the department
4 39 disputes a legal settlement determination
4 40 certification made by a county, the department shall
4 41 notify the affected counties of the department's
4 42 assertion.

4 43 2. The department or the county that received the
4 44 notification, as applicable, shall respond to the
4 45 party that provided the notification within forty=five
4 46 days of receiving the notification. If the parties
4 47 cannot agree to a settlement as to the person's legal
4 48 settlement status within ninety days of the date of
4 49 notification, on motion of any of the parties, the
4 50 matter shall be referred to the department of
5 1 inspections and appeals for a contested case hearing
5 2 under chapter 17A before an administrative law judge
5 3 assigned in accordance with section 10A.801 to
5 4 determine the person's legal settlement status.

5 5 3. a. The administrative law judge's
5 6 determination of the person's legal settlement status
5 7 is a final agency action, notwithstanding contrary
5 8 provisions of section 17A.15. The party that does not
5 9 prevail in the determination or subsequent judicial
5 10 review is liable for costs associated with the
5 11 proceeding, including reimbursement of the department
5 12 of inspections and appeals' actual costs associated
5 13 with the administrative proceeding. Judicial review
5 14 of the determination may be sought in accordance with
5 15 section 17A.19.

5 16 b. If following the determination of a person's
5 17 legal settlement status in accordance with this
5 18 section, additional evidence becomes available that
5 19 merits a change in that determination, the parties
5 20 affected may change the determination by mutual
5 21 agreement. Otherwise, a party may move that the
5 22 matter be reconsidered.

5 23 4. Unless a petition is filed for judicial review,
5 24 the administrative law judge's determination of the
5 25 person's legal settlement status shall result in one
5 26 of the following:

5 27 a. If a county is determined to be the person's
5 28 county of legal settlement, the county shall pay the
5 29 amounts due and shall reimburse any other amounts paid
5 30 for services provided under chapter 222, 230, or 249A
5 31 by the county or the department on the person's behalf
5 32 prior to issuance of the decision. The payment or
5 33 reimbursement shall be remitted within forty=five days
5 34 of the date the decision was issued. After the forty=
5 35 five=day period, a penalty may be applied as
5 36 authorized under section 222.68, 222.75, or 230.22.

5 37 b. If it is determined that the person has no
5 38 legal settlement or the legal settlement is unknown so

5 39 that the person is deemed to be a state case, the
5 40 department shall credit the county for any payment
5 41 made on behalf of the person by the county prior to
5 42 issuance of the decision. The credit shall be applied
5 43 by the department on a county billing no later than
5 44 the end of the quarter immediately following the date
5 45 of the decision's issuance.
5 46 Sec. 37. Section 222.61, unnumbered paragraph 1,
5 47 Code 2003, is amended to read as follows:
5 48 When a county receives an application on behalf of
5 49 any person for admission to a resource center or a
5 50 special unit or when ~~any~~ a court issues an order
6 1 committing any person to a resource center or a
6 2 special unit, the board of supervisors shall utilize
6 3 the single entry point process to determine ~~or the~~
~~6 4 court shall determine and enter as a matter of record~~
~~6 5 whether certify that the legal settlement of the~~
6 6 person is in one of the following:
6 7 Sec. 38. Section 222.62, Code 2003, is amended to
6 8 read as follows:
6 9 222.62 SETTLEMENT IN ANOTHER COUNTY.
6 10 ~~Whenever~~ When the board of supervisors ~~utilizes a~~
6 11 ~~determines through the single entry point process to~~
~~6 12 determine or the court determines~~ that the legal
6 13 settlement of the person is other than in the county
6 14 in which the application is received ~~or the court is~~
~~6 15 located, the board or court shall, as soon as~~
6 16 ~~determination is made, certify such finding the~~
6 17 ~~determination shall be certified to the superintendent~~
6 18 of the resource center or the special unit where the
6 19 person is a patient. The certification shall be
6 20 accompanied by a copy of the evidence supporting the
6 21 determination. The superintendent shall charge the
6 22 expenses already incurred and unadjusted, and all
6 23 future expenses of the patient, to the county ~~so~~
6 24 ~~certified until the patient's to be the county of~~
6 25 ~~legal settlement shall be otherwise determined as~~
~~6 26 provided by this chapter.~~
6 27 Sec. 39. Section 222.63, Code 2003, is amended to
6 28 read as follows:
6 29 222.63 FINDING OF SETTLEMENT == OBJECTION.
6 30 ~~Said finding of A board of supervisors'~~
6 31 certification utilizing the single entry point process
6 32 that a person's legal settlement is in another county
6 33 shall also be certified sent by the board of
6 34 supervisors or the court to the county auditor of the
6 35 county of legal settlement. The certification shall
6 36 be accompanied by a copy of the evidence supporting
6 37 the determination. Such The auditor of the county of
6 38 legal settlement shall lay such notification before
6 39 submit the certification to the board of supervisors
6 40 of the auditor's county whereupon and it shall be
6 41 conclusively presumed that the patient has a legal
6 42 settlement in said that county unless the that
6 43 shall, within six months, in writing filed with the
6 44 board of supervisors or the court giving such notice,
6 45 dispute said legal settlement disputes the
6 46 determination of legal settlement as provided in
6 47 section 225C.8.
6 48 Sec. 40. Section 222.64, Code 2003, is amended to
6 49 read as follows:
6 50 222.64 FOREIGN STATE OR COUNTRY OR UNKNOWN LEGAL
7 1 SETTLEMENT.
7 2 If the legal settlement of the person is ~~found~~
7 3 determined by the board of supervisors through ~~a the~~
7 4 single entry point process or the court to be in a
7 5 foreign state or country or is ~~found determined~~ to be
7 6 unknown, the board of supervisors ~~or the court~~ shall
7 7 ~~immediately notify certify the determination to the~~
7 8 ~~administrator of the finding and shall furnish the~~
~~7 9 administrator with a copy of the evidence taken on the~~
7 10 ~~question of legal settlement. The certification shall~~
7 11 ~~be accompanied by a copy of the evidence supporting~~
7 12 ~~the determination.~~ The care of the person shall be as
7 13 arranged by the board of supervisors or by an order as
7 14 the court may enter. Application for admission or
7 15 order of commitment may be made pending investigation
7 16 by the administrator.
7 17 Sec. 41. Section 222.65, Code 2003, is amended to
7 18 read as follows:
7 19 222.65 INVESTIGATION.

7 20 ~~The~~ If an application is made for placement of a
7 21 person in a state resource center or special unit, the
7 22 administrator shall immediately investigate the legal
7 23 settlement of the person and proceed as follows:
7 24 1. ~~If the administrator finds that the decision of~~
7 25 ~~the board of supervisors or the court concurs with a~~
7 26 ~~certified determination as to legal settlement of the~~
7 27 ~~person is correct so that the person is deemed a state~~
7 28 ~~case, the administrator shall cause the person either~~
7 29 ~~to be transferred to a resource center or a special~~
7 30 ~~unit and there maintained at the expense of the state~~
7 31 ~~or to be transferred to the place of foreign~~
7 32 ~~settlement.~~
7 33 2. ~~If the administrator finds that the decision of~~
7 34 ~~the board of supervisors or the court is not correct~~
7 35 ~~disputes a certified determination of legal~~
7 36 ~~settlement, the administrator shall order the person~~
7 37 ~~transferred to a state resource center or a special~~
7 38 ~~unit and there maintained at the expense of the county~~
7 39 ~~of legal settlement in this state until the dispute is~~
7 40 ~~resolved.~~
7 41 3. ~~If the administrator disputes a certified~~
7 42 ~~determination of legal settlement, the administrator~~
7 43 ~~shall utilize the procedure provided in section 225C.8~~
7 44 ~~to resolve the dispute. A determination of the~~
7 45 ~~person's legal settlement status made pursuant to~~
7 46 ~~section 225C.8 is conclusive.~~
7 47 Sec. 42. Section 222.67, Code 2003, is amended to
7 48 read as follows:
7 49 222.67 CHARGE ON FINDING OF SETTLEMENT.
7 50 ~~Where~~ If a person has been received into a resource
8 1 center or a special unit as a patient whose legal
8 2 settlement is supposedly outside the state or is
8 3 unknown and the administrator finds determines that
8 4 the legal settlement of the patient was at the time of
8 5 admission or commitment in a county of this state, the
8 6 administrator shall certify the determination and
8 7 charge all legal costs and expenses pertaining to the
8 8 admission or commitment and support of the patient to
8 9 the county of such legal settlement. The
8 10 certification shall be sent to the county of legal
8 11 settlement. The certification shall be accompanied by
8 12 a copy of the evidence supporting the determination.
8 13 If the person's legal settlement status has been
8 14 determined in accordance with section 225C.8, the
8 15 legal costs and expenses shall be charged to the
8 16 county or as a state case in accordance with that
8 17 determination. The costs and expenses shall be
8 18 collected as provided by law in other cases.
8 19 Sec. 43. Section 222.70, Code 2003, is amended by
8 20 striking the section and inserting in lieu thereof the
8 21 following:
8 22 222.70 LEGAL SETTLEMENT DISPUTES.
8 23 If a dispute arises between counties or between the
8 24 department and a county as to the legal settlement of
8 25 a person admitted or committed to a resource center, a
8 26 special unit, or a community-based service, the
8 27 dispute shall be resolved as provided in section
8 28 225C.8.
8 29 Sec. 44. Section 230.2, unnumbered paragraph 1,
8 30 Code 2003, is amended to read as follows:
8 31 ~~The~~ If a person's legal settlement status is
8 32 disputed, legal settlement shall be determined in
8 33 accordance with section 225C.8. Otherwise, the
8 34 district court shall may, when a the 8 35 placed in a hospital for psychiatric
examination and
8 36 appropriate treatment, or as soon thereafter as it the
8 37 court obtains the proper information, determine and
8 38 enter of record whether the legal settlement of said
8 39 the person is one of the following:
8 40 Sec. 45. Section 230.3, Code 2003, is amended to
8 41 read as follows:
8 42 230.3 CERTIFICATION OF SETTLEMENT.
8 43 If ~~such a person's~~ legal settlement is found
8 44 determined through the county's single entry point
8 45 process to be in another county of this state, the
8 46 court shall, as soon as said determination is made,
8 47 the county making the determination shall certify such
8 48 finding the determination to the superintendent of the
8 49 hospital to which said patient the person is admitted
8 50 or committed, and thereupon said. The certification

9 1 shall be accompanied by a copy of the evidence
9 2 supporting the determination. Upon receiving the
9 3 certification, the superintendent shall charge the
9 4 expenses already incurred and unadjusted, and all
9 5 future expenses of ~~such patient, the person~~ to the
9 6 county ~~so certified until said determined to be the~~
9 7 county of legal settlement ~~shall be otherwise~~
9 8 ~~determined as hereinafter provided.~~
9 9 Sec. 46. Section 230.4, Code 2003, is amended to
9 10 read as follows:
9 11 230.4 CERTIFICATION TO DEBTOR COUNTY.
9 12 ~~Said finding~~ A determination of a person's legal
9 13 settlement ~~made in accordance with section 230.2 or~~
9 14 ~~230.3 shall also be certified sent by the cou~~
9 15 county to the county auditor of the county of ~~such~~
9 16 legal settlement. The certification shall be
9 17 accompanied by a copy of the evidence supporting the
9 18 determination. ~~Such The auditor shall lay such~~
9 19 ~~notification before provide the certification to the~~
9 20 board of supervisors of the auditor's county, and it
9 21 shall be conclusively presumed that ~~such the person~~
9 22 has a legal settlement in ~~said the~~ notified county
9 23 unless ~~said that county shall within sixty days give~~
9 24 ~~notice in writing to the court that the county~~
9 25 disputes the finding of legal settlement ~~as provided~~
9 26 ~~in section 225C.8.~~
9 27 Sec. 47. Section 230.5, Code 2003, is amended to
9 28 read as follows:
9 29 230.5 NONRESIDENTS.
9 30 If ~~such a person's~~ legal settlement is found by the
9 31 ~~court determined in accordance with section 230.2 or~~
9 32 ~~230.3 to be in some a foreign state or country, or is<~~
9 33 unknown, the court ~~or the county~~ shall immediately
9 34 ~~notify the certify the determination to the~~
9 35 administrator of the finding and furnish the
9 36 administrator with a copy of the evidence taken on the
9 37 question of legal settlement, and shall in its. The
9 38 certification shall be accompanied by a copy of the
9 39 evidence supporting the determination. A court order
9 40 issued pursuant to section 229.13 shall direct that
9 41 the patient be hospitalized at the appropriate state
9 42 hospital for persons with mental illness.
9 43 Sec. 48. Section 230.6, Code 2003, is amended to
9 44 read as follows:
9 45 230.6 DETERMINATION INVESTIGATION BY
9 46 ADMINISTRATOR.
9 47 The administrator shall immediately investigate the
9 48 legal settlement of ~~said a patient~~ and proceed as
9 49 follows:
9 50 1. If the administrator ~~finds that the decision of~~
10 1 ~~the court as to concurs with a certified determination~~
10 2 ~~of legal settlement is correct concerning the patient,~~
10 3 the administrator shall cause ~~said the patient~~ either
10 4 to be transferred to a state hospital for persons with
10 5 mental illness at the expense of the state, or to be
10 6 transferred, with approval of the court as required by
10 7 chapter 229 to the place of foreign settlement.
10 8 2. If the administrator ~~finds that the decision of~~
10 9 ~~the court is not correct disputes a certified legal~~
10 10 ~~settlement determination,~~ the administrator shall
10 11 order ~~said the patient~~ to be maintained at a state
10 12 hospital for persons with mental illness at the
10 13 expense of the state, ~~and shall at once inform the~~
10 14 ~~court of such finding and request that the court's~~
10 15 ~~order be modified accordingly until the dispute is~~
10 16 ~~resolved.~~
10 17 3. If the administrator disputes a legal
10 18 settlement determination, the administrator shall
10 19 utilize the procedure provided in section 225C.8 to
10 20 resolve the dispute. A determination of the person's
10 21 legal settlement status made pursuant to section
10 22 225C.8 is conclusive.
10 23 Sec. 49. Section 230.9, Code 2003, is amended to
10 24 read as follows:
10 25 230.9 SUBSEQUENT DISCOVERY OF RESIDENCE.
10 26 If, after a ~~patient person~~ has been received ~~into~~
10 27 ~~by~~ a state hospital for persons with mental illness as
10 28 a ~~state case~~ patient whose legal settlement is
10 29 supposed to be outside this state or unknown, the
10 30 administrator ~~finds determines~~ that the legal
10 31 settlement of ~~said patient the person~~ was, at the time

10 32 of admission or commitment, in a county of this state,
10 33 ~~said the~~ administrator shall certify the determination
10 34 ~~and~~ charge all legal costs and expenses pertaining to
10 35 the admission or commitment and support of ~~said~~
10 36 ~~patient the person~~ to the county of ~~such~~ legal
10 37 settlement, ~~and the same~~. The certification shall be
10 38 ~~sent to the county of legal settlement. The~~
10 39 certification shall be accompanied by a copy of the
10 40 evidence supporting the determination. The costs and
10 41 expenses shall be collected as provided by law in
10 42 other cases. If the person's legal settlement status
10 43 has been determined in accordance with section 225C.8,
10 44 the legal costs and expenses shall be charged to the
10 45 county or as a state case in accordance with that
10 46 determination.

10 47 Sec. 50. Section 230.12, Code 2003, is amended by
10 48 striking the section and inserting in lieu thereof the
10 49 following:

10 50 230.12 LEGAL SETTLEMENT DISPUTES.

11 1 If a dispute arises between different counties or
11 2 between the administrator and a county as to the legal
11 3 settlement of a person admitted or committed to a
11 4 state hospital for persons with mental illness, the
11 5 dispute shall be resolved as provided in section
11 6 225C.8.

11 7 Sec. 51. Section 232.141, subsection 8, Code 2003,
11 8 is amended to read as follows:

11 9 8. This subsection applies only to placements in a
11 10 juvenile shelter care home which is publicly owned,
11 11 operated as a county or multicounty shelter care home,
11 12 organized under a chapter 28E agreement, or operated
11 13 by a private juvenile shelter care home. If the
11 14 actual and allowable costs of a child's shelter care
11 15 placement exceed the amount the department is
11 16 authorized to pay in accordance with law and
11 17 administrative rule, the unpaid costs may be recovered
11 18 from the child's county of legal settlement. However,
11 19 the maximum amount of the unpaid costs which may be
11 20 recovered under this subsection is limited to the
11 21 difference between the amount the department is
11 22 authorized to pay and the statewide average of the
11 23 actual and allowable rates in effect in May of the
11 24 preceding fiscal year for reimbursement of juvenile
11 25 shelter care homes. In no case shall the home be
11 26 reimbursed for more than the home's actual and
11 27 allowable costs. The unpaid costs are payable
11 28 pursuant to filing of verified claims against the
11 29 county of legal settlement. A detailed statement of
11 30 the facts upon which a claim is based shall accompany
11 31 the claim. Any dispute between counties arising from
11 32 filings of claims pursuant to this subsection shall be
11 33 settled in the manner provided to determine legal
11 34 settlement in section ~~230.12~~ 225C.8.

11 35 Sec. 52. Section 249A.26, Code 2003, is amended by
11 36 adding the following new subsection:

11 37 NEW SUBSECTION. 5. If a dispute arises between
11 38 different counties or between the department and a
11 39 county as to the legal settlement of a person who
11 40 receives medical assistance for which the nonfederal
11 41 share is payable in whole or in part by a county of
11 42 legal settlement, and cannot be resolved by the
11 43 parties, the dispute shall be resolved as provided in
11 44 section 225C.8.

11 45 Sec. 53. Section 252.23, Code 2003, is amended to
11 46 read as follows:

11 47 252.23 TRIAL.

11 48 If the alleged settlement is disputed, then, within
11 49 thirty days after notice as provided in section
11 50 252.22, a copy of the notices sent and received shall
12 1 be filed in the office of the clerk of the district
12 2 court of the county against which claim is made, and a
12 3 cause docketed without other pleadings, and tried as
12 4 an ordinary action, in which the county granting the
12 5 assistance shall be plaintiff, and the other
12 6 defendant, and the burden of proof shall be upon the
12 7 county granting the assistance. However, a legal
12 8 settlement dispute initiated under chapter 222, 230,
12 9 or 249A shall be resolved as provided in section
12 10 225C.8.

12 11 Sec. 54. APPLICABILITY.

12 12 1. The timeframes specified in section 225C.8, as

12 13 enacted by this division of this Act, are applicable
12 14 to legal settlement disputes involving billings for
12 15 services provided on or after July 1, 2004.
12 16 2. For legal settlement disputes involving
12 17 billings for services provided prior to July 1, 2004,
12 18 unless the county disputed the billing prior to July
12 19 1, 2004, the person's legal settlement shall be deemed
12 20 to be in the county that was billed for services
12 21 provided to the person. However, if a county disputed
12 22 the billing for a service provided prior to July 1,
12 23 2004, and the matter cannot be resolved with the
12 24 department of human services or with the other county,
12 25 in lieu of the forty-five-day period specified in
12 26 section 225C.8, subsection 2, a party may move for the
12 27 matter to be resolved in the manner provided in
12 28 section 225C.8, at any time prior to January 1, 2005.
12 29 If a party has not made such a motion, effective
12 30 January 1, 2005, the matter shall be closed and the
12 31 person's legal settlement shall be in the county that
12 32 was billed for services provided to the person.
12 33 Sec. 55. Sections 222.71, 222.72, 230.13, and
12 34 230.14, Code 2003, are repealed.>

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